

Press Release Mike Miller HD80

The terms of the settlement agreement between myself, my wife and the Commissioner of Political Practices speak for themselves.

I maintain now as I have maintained throughout the legal process instigated against me by Jon Motl that I engaged in no wrongdoing during my 2010 Primary election. As the settlement agreement states, I completely disagree with the findings of the Commissioner of Political Practices. Contrary to what the Commissioner asserts, I did not unlawfully coordinate my primary campaign with any third party entity, I maintained all required campaign records, I put all the statutorily required disclaimer language on my campaign materials, and I paid the prices charged to me by the mail house which I used to produce some of my campaign materials. The amounts paid were timely disclosed to and reported to the Commissioner of Political Practices in 2010, and my campaign reports remain publicly available to this date.

I agree to settle this matter for financial reasons only. The settlement agreement is merely an effort on my and my wife's part to avoid more disastrous financial outlays. We've spent over \$10,000.00 in legal fees in the last 9 months defending ourselves against the Commissioner's frivolous legal claims and theories, and our attorney has estimated a cost approaching an additional \$25,000.00 to take this case to trial in May. Therefore, I have agreed to the \$4000.00 fine in order to not further dip into my retirement funds.

While I am confident I would be found innocent at trial, there comes a time when one must face the reality of the unlimited financial power of the State when it prosecutes one of its citizens. The State has unlimited resources derived from the taxes it imposes, and unlimited man power to prosecute their lawsuit against me. I cannot compete with that. I have a pair of financial deuces and the State holds all the aces. The legal reality is that there is no statutory provision in a civil case like this for me to recover the costs and attorney's fees I have expended to defend myself against these ridiculous allegations of wrongdoing, even if I am found innocent at trial.

As part of the settlement terms, I have also agreed not to file for public office for the next 4 years. While this provision may sound severe, there have been some major changes in our personal life over the last 2 years that allow me to accept this settlement term. The reality is that had the Commissioner of Political Practices not filed this lawsuit last January, I likely would not have run for reelection in 2014, even though I enjoy representing the interests of my constituency.

Further, I am "term limited out" of the House after this legislative session. I have told numerous people since the November election that I would not be running for the open Senate seat in SD40. Agreeing to not run for public office for 4 years was really quite an easy decision for me as I was not intending to run for another office in 2016 anyway. I understand and fully appreciate the precedent being set for other candidates and sitting public office holders now and in the future as a result of my voluntarily agreeing to

refrain from running for public office. I believe the precedent being set as a result of this term is a bad one for the people of Montana, and may lead to the Commissioner's office further interfering with and seeking to overturn election outcomes in the future, as was the case in the present instance. But, in order to get out from underneath the litigation I was pulled into by Jon Motl, I agree to this term to resolve this matter which has placed severe emotional and financial strains upon me and my wife.

I want the public to understand that no campaign finance complaint was actually ever filed against me. When Jon Motl became commissioner in 2013 some 3 years after the conclusion of my 2010 primary campaign, Mr. Motl on his own accord opened an investigation against me and accused me of wrongdoing without ever talking to me personally about the allegations he raised. Many of the matters discussed during this litigation could have been resolved without the State spending taxpayer resources to file a lawsuit against me if the Commissioner would have taken the time to sit down and have a chat with me. As a result of this experience, I am convinced more than ever that the structure of the office of Commissioner of Political Practices must be reformed so that one person is no longer able to be the investigator, fact-finder, decision, maker, judge, and prosecutor on a campaign finance complaint. Montana has set up a system whereby the Commissioner acts as a special prosecutor, accountable to nobody except a partisan Governor who appointed the position in the first instance.

This being said, I have really enjoyed representing the people of my House District and the people of Montana these past 4 sessions. It has been the highest honor of my life. I will continue representing the people of my district through the remainder of the 2015 Montana legislative session and will finish out my term of office, which is slated to end in January of 2017. I thank the people for placing their trust in me to represent them, and I value the overwhelming reelection vote total I received in November of 2014 despite the unsubstantiated allegations of wrongdoing against me.

Thank You. I look forward to seeing you in Helena or at home in the coming days and months.

Representative Mike Miller, HD80.

Questions may be directed to:
Jim Brown (attorney) at 406-449-7444
Mike Miller – 408-717-3821